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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,661	01/18/2005	Stephanus Josephus Maria Van Beckhoven	NL 020659	2187

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EXAMINER	
PATANKAR, ANEETA V	
ART UNIT	PAPER NUMBER
2627	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/521,661	VAN BECKHOVEN ET AL.	
	Examiner	Art Unit	
	Aneeta Patankar	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 January 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 January 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/23/2007, 1/18/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-7 and 10** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,333,903 B1 to *Suzuki*.

As to **claim 1**, *Suzuki* discloses a device for recording information on a disc-shaped record carrier, the record carrier comprising a track for recording information (Fig. 1, column 2, lines 21-29), the device comprising a head for scanning the track, a read unit for retrieving information from the track via the head (Fig. 3 and 4, column 9, lines 43-47), a write unit for recording information in the track via the head (Fig. 3 and 4, column 9, lines 43-47), a mode control unit for switching the device either to a read mode or to a write mode (Fig. 1, 3, and 4, column 9, lines 43-51), and a rotation speed control unit for setting the rotation speed of the record carrier (Fig. 2, column 4, lines 27-51, column 8, lines 1-4), characterized in that the rotation speed control unit comprises a speed selector for selecting one of at least two speed settings for the read mode in dependence on an actual rotation speed of the record carrier during the write mode when switching from write mode to read mode, the difference in rotation speed between said actual rotation speed and the speed in the read mode being limited

by said selection (Fig. 13, column 15, lines 14-58). *Suzuki* describes that by counting the time in frame, the time setting is automatically shortened when the speed is controlled to a speed which is 2, 4 or 8 times the standard speed, so as to suit a high recording and reproducing speed. In this case, speed control is the same as speed selection.

As to **claim 2**, *Suzuki* discloses a device wherein the speed control unit is arranged for controlling the speed of the record carrier during recording according to a constant linear velocity profile Fig. 2, column 11-12, lines 42-27). (The part in pink I would like to delete here and the part in blue I would like to rely on). *Suzuki* describes here that the CD-DSP has a CLV control function for maintaining a linearly velocity of the disk during reproduction of a CD, where reproduction is a time when recording is performed on a disk.

As to **claim 3**, *Suzuki* discloses a device wherein the speed control unit is arranged for controlling the speed of the record carrier during reading according to a constant angular velocity profile (Fig. 8 and 10, column 13, lines 33-38) *Suzkui* describes controlling the speed of the motor using constant angular velocity, which in turns controls the speed of recording on the optical disk as it determines the rate at which the optical disk will rotate.

As to **claim 4**, *Suzuki* discloses a device wherein the speed selector comprises a lowest speed setting for the read mode for a rotation speed substantially above the lowest rotation speed in the write mode, and/or a highest speed setting for read for a rotation speed substantially below the highest

rotation speed in the write mode (Fig. 13, column 15, lines 14-58). *Suzuki* describes controlling the speed to 2, 4, or 8 times the standard speed to suit a high recording and reproduction speed. In this case, the recording speed could be chosen as 8 times the standard speed where the read mode speed could be chosen as 2 or 4 times the standard speed or vice versa.

As to **claim 5**, *Suzuki* discloses a device wherein at least a number of the speed settings are at predefined rotation frequencies having at least one predefined rotation frequency interval (Fig. 16, column 17, lines 42-56). *Suzuki* describes a FG rotation control circuit controlling the motor to a predetermined rotation speed, where the frequency generating mean outputs a FG signal which is used in predetermining the rotation speed by the FG rotation control circuit. Rotation speed is direction proportional to the rotation frequency at which the disk rotates and since the speed is predefined, so is the rotation frequency.

As to **claim 6**, *Suzuki* discloses a device wherein the speed control unit is arranged for accommodating a write rotation speed range for recording in which range the highest speed is substantially 2.5 times the lowest speed, and the speed selector is arranged for selecting one of 4 speed settings for the read mode (Fig. 13, column 15, lines 14-58). *Suzuki* describes 4 different speed settings, (1, 2, 4, and 8 times the standard speed). The highest speed recording in this case is 8 times faster than the lowest speed, which much larger than 2.5 faster than the lowest speed. The speed is selected by counting the number of frames.

As to **claim 7**, *Suzuki* discloses a device wherein the device comprises a write buffer for storing information to be recorded (Fig. 1, column 2, lines 21-29), and wherein the mode control unit is arranged for switching the modes in dependence on a filling degree of the write buffer (Fig. 3 and 4, column 9, lines 43-51). *Suzuki* describes a system controller interface which controls the switching modes.

As to **claim 10**, *Suzuki* discloses a method of controlling a speed of rotation of a disc-shaped record carrier, the record carrier comprising a track for recording information, the method comprising scanning the track via a head (Fig. 1, column 1, lines 29-38), retrieving information from the track via the head, recording information in the track via the head (Fig. 3 and 4, column 9, lines 43-47), switching the device either to a read mode or to a write mode, and setting the rotation speed of the record carrier (Fig. 1, 3, and 4, column 9, lines 43-51), characterized in that the method comprises selecting one of at least two speed settings for the read mode in dependence on an actual rotation speed of the record carrier during the write mode when switching from write mode to read mode, the difference in rotation speed between said actual rotation speed and the speed in the read mode being limited by said selection (Fig. 13, column 15, lines 14-58).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 8 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,333,903 B1 to *Suzuki* in view of U.S. Patent Pub. No. 2002/0025138 A1 to *Isobe et al*.

As to **claim 8**, *Suzuki* is deficient in disclosing a device wherein the device comprises a video encoding unit for receiving video data and providing encoded video as information to be recorded via the write buffer.

However, *Isobe* discloses a device wherein the device comprises a video encoding unit for receiving video data and providing encoded video as information to be recorded via the write buffer (Fig. 1, paragraph 0008).

Suzuki and *Isobe* are analogous art because they are from the same field of endeavor with respect to optical recording apparatuses.

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to have created a device for recording information on a disc comprising a read unit for retrieving information from the track via the head as taught by *Suzuki* and a video encoding unit for receiving video data and providing encoded video as information to be recorded via the write buffer as taught by *Isobe*. The suggestion/motivation would have been in order to remedy the management information data in the event of a power loss to the device (*Isobe*, paragraph 0004).

As to **claim 9**, *Suzuki* is deficient in disclosing a device wherein the mode control unit is arranged for recording a first continuous stream of real-time information via the write buffer and for, at the same time, retrieving a second stream of real-time information by alternating the write mode and the read mode.

However, *Isobe* discloses a device wherein the mode control unit is arranged for recording a first continuous stream of real-time information via the write buffer and for, at the same time, retrieving a second stream of real-time information by alternating the write mode and the read mode (paragraph 0012). In addition, the same motivation is used as the rejection in claim 8.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aneeta Patankar whose telephone number is (571) 272-9773. The examiner can normally be reached on Monday-Thursday 8-5, Second Friday, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrea L Wellington/
Supervisory Patent Examiner, Art Unit 2627

Aneeta Patankar
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